

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gregory ALLEN

Application No.: 10/004,547

Group Art Unit: 2876

Filed: December 5, 2001

Examiner: Edwyn Labaze

For: **ELECTRONIC INFORMATION DELIVERY SYSTEM AND PROCESS
INCLUDING SUPPLYING OF INFORMATION ABOUT LOCATIONS
VISITED BY USERS OF PORTABLE IDENTIFICATION CARDS**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2233-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Gregory Allen, declare as follows:

1. I am the inventor of the invention in the above-referenced patent application and all the subject matter described and claimed therein. I submit this Declaration in order to establish a date of invention prior to the April 30, 1998 filing date of the Ogasawara Patent of U.S. Patent 6,123,259, a reference cited during the examination of the patent application.

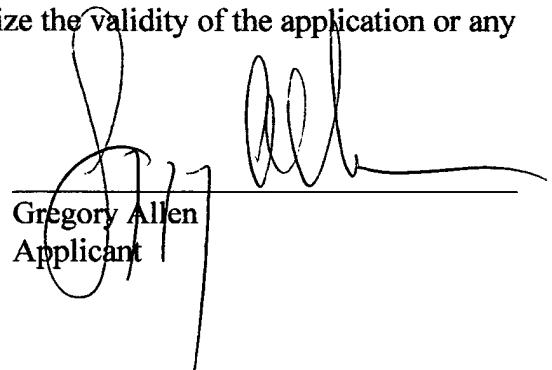
2. Prior to April 30, 1998, I conceived of the invention as described in the claims set forth in the patent application, and with due diligence from prior to April 30, 1998 to the filing of this application I undertook efforts to reduce the invention to practice. There is an absence of

detailed evidence that establishes conception of the particular invention claimed in the present application prior to April 30, 1998, since, as an artist, it has been my style and practice to not retain written notes and also to generally use a chalk-board (or equivalent) during the course of my thought process. As stated above, I am an artist, not an engineer or scientist, and have generally not maintained dated notebooks or other dated materials. Moreover, until recently, I was not aware of the benefit of maintaining dated notes and could not have imagined the value of doing so. However, there are exceptions and occasionally I keep notes. In regard to the general concept of the invention in this application, attached are copies of some notes pertaining to some general aspects, although, such notes, by themselves, do not definitively establish conception of the invention claimed in the present application. Nevertheless, these notes were taken prior to April 30, 1998, and it was during the course of the conception of that identified in these notes that I also conceived of the particular invention claimed in the present application. Unfortunately, at the present time, I have not been able to find additional notes that support this declaration. In any event, I hope this declaration, along with the attached documentary evidence, is sufficient to antedate the April 30, 1998 filing date of the Ogasawara Patent (U.S. Patent 6,123,259), as mentioned above.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: New York, New York
9-26-03, 2003

By:



Gregory Allen
Applicant